

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

OWEN P. MARTIKAN (CABN 177104)
Assistant United States Attorney
450 Golden Gate Ave., Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Fax: (415) 436-7234
E-Mail: owen.martikan@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 3:12-71210 MAG (LB)
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER EXCLUDING TIME FROM
v.)	NOVEMBER 15, 2012 THROUGH
)	NOVEMBER 26, 2012, AND
MICHAEL LINDSAY,)	CONTINUING PRELIMINARY HEARING
)	UNTIL DECEMBER 14, 2012
Defendant.)	

The defendant, MICHAEL LINDSAY, represented by EDWARD HU, and the government, represented by OWEN P. MARTIKAN, Assistant United States Attorney, hereby stipulate and ask the Court to exclude the time between November 15, 2012, and November 26, 2012, under the Speedy Trial Act based on continuity of defense counsel, the necessity for defense counsel's effective preparation through review of discovery and due to the government's pending motion for detention. The parties stipulate that, taking into account the exercise of due diligence, the ends of justice served by excluding the time between November 15, 2012, and November 26, 2012, from computation under the Speedy Trial Act outweighed the best interests of the public and the defendant in a speedy trial.

The parties further stipulate that for the same reasons, good cause exists to continue the time for preliminary hearing under Fed. Crim P. Rule 5.1 from November 26, 2012, until December 14, 2012.

SO STIPULATED:

MELINDA HAAG
United States Attorney

/s/

DATED: November 15, 2012

OWEN P. MARTIKAN
Assistant United States Attorney

/s/

DATED: November 15, 2012

EDWARD HU
Attorney for Michael Lindsay

~~PROPOSED~~ ORDER

Based upon the representation of counsel and for good cause shown, the Court finds that failing to exclude the time between November 15, 2012, and November 26, 2012, would unreasonably deny defense counsel the reasonable time necessary for effective preparation through the review of discovery, and would deny the defense continuity of counsel, taking into account the exercise of due diligence, and that the ends of justice served by excluding this time outweigh the best interests of the public and the defendant in a speedy trial. The Court also finds that this time should be excluded based on the pendency of the government's motion for detention.

The Court further finds, based on the same reasons, that the time for preliminary hearing pursuant to Fed. Crim. P. Rule 5.1 should be continued until December 14, 2012.

Therefore, IT IS HEREBY ORDERED that the time between November 15, 2012, and November 26, 2012, shall be excluded from computation under the Speedy Trial Act, and that the time for preliminary hearing shall be continued until December 14, 2012. 18 U.S.C. §§

3161(h)(7)(A) and (B)(iv); Fed. Crim. P. Rule 5.1.

DATED: November 26, 2012



HON. LAUREL BEELER
United States Magistrate Judge